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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q79408

Jerry PELLETIER, et al.

Appln. No.: 10/771,395

Group Art Unit: 1645

Confirmation No.: 4148

Examiner: Vanessa L. FORD

Filed: February 5, 2004

For: INHIBITORS OF STAPHYLOCOCCUS AUREUS PRIMARY SIGMA FACTOR AND  
USES THEREOF

**RESPONSE TO OFFICE COMMUNICATION REGARDING SEQUENCE LISTING**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In the Office Communication dated January 29, 2007, the Examiner states that the present application fails to comply with the requirements of 37 C.F.R. §§1.821-1.825 because the Sequence Listing filed with the application does not contain a listing of all applicants.

Applicants enclose herewith a substitute Sequence Listing, in paper and computer-readable form copies, that fully addresses the issues raised by the Examiner. The name of each applicant has been added. In addition, the attorney docket number has been updated, the application serial number and filing date have been added, and the descriptions of the artificial sequences have been supplemented.


Applicants assert that this Response and the enclosures are being timely filed, and that the enclosures bring the present application in full compliance with the requirements of 37 C.F.R. §§1.821-1.825.

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Applicants respectfully request that the Examiner acknowledge that the substitute Sequence Listing meets the requirements of 37 C.F.R. §§1.821-1.825 and that the Examiner enter the substitute Sequence Listing.

Respectfully submitted,



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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: February 5, 2007



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**STATEMENT TO SUPPORT FILING AND SUBMISSION IN  
ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825**

**MAIL STOP SEQUENCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In connection with the substitute Sequence Listing submitted concurrently herewith, the undersigned hereby states that:

1. the submission, filed herewith in accordance with 37 C.F.R. § 1.821(g), does not include any new matter;
2. the contents of the 36-page substitute Sequence Listing being filed herewith, and the attached computer readable copy of the substitute Sequence Listing, submitted in accordance with 37 C.F.R. §1.821(c) and (e), respectively, are the same; and
3. all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by

STATEMENT TO SUPPORT FILING AND SUBMISSION IN  
ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825  
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fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

Applicants respectfully request amendment of the application by entry of the substitute Sequence Listing into the application in place of the Sequence Listing filed with the application.

Respectfully submitted,



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**23373**

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**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**



Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a ☐Sequence Listing☐ as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the Sequence Listing in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the Sequence Listing in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up Raw Sequence Listing.
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the Sequence Listing is not the same as the computer readable form of the ☐Sequence Listing☐ as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: Both the specification and drawings contain numerous amino acid and nucleic acid sequences without the requisite sequence identifiers.

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the Sequence Listing..
- ☒ An initial or substitute paper copy of the Sequence Listing, as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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